

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

Brian Rice,

Plaintiff,

v.

First National Bank of Omaha,

Defendant.

Case No. 8:18-cv-00474-JMG-MDN

**STIPULATION OF VOLUNTARY
DISMISSAL PURSUANT TO
FED.R.CIV.P. 41(a)(1)(A)(ii) WITH
PREJUDICE**

NOW COME, Plaintiff, Brian Rice, and Defendant, First National Bank of Omaha, through their respective undersigned attorneys and respectfully state and pray:

1. On October 5, 2018, Plaintiff filed the complaint in this case (Dkt. 1).
2. On October 30, 2018, Defendant answered the complaint (Dkt. 6).
3. Federal Rule of Civil Procedure 41 provides, in relevant part:

(a) Voluntary Dismissal.

(1) *By the Plaintiff.*

(A) *Without a Court Order.* Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

(ii) a stipulation of dismissal signed by all parties who have appeared.

(B) *Effect.* Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal-or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.”

Fed.R.Civ.P. 41, 28 U.S.C. (emphasis added).

4. The parties have agreed to settle this matter without further litigation.

5. Pursuant to Fed.R.Civ.P. 41(a)(1)(A)(ii), the parties respectfully stipulate to the voluntary dismissal of the Complaint, with prejudice.

WHEREFORE, the parties respectfully request this Honorable Court to GRANT the instant request for voluntary dismissal of the present case with prejudice.

RESPECTFULLY SUBMITTED on January 8, 2019.

/s/ Carlos C. Alsina

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CERTIFICATION:

I hereby certify that the foregoing document has been filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

By: /s/ Carlos C. Alsina

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